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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/622,360
Filing Date: July 17, 2003
Appellant(s): KALTHOFF ET AL.

_____
Elena B. Dreszer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 18, 2009 appealing from the Office

action mailed November 12, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,418,945	CARTER ET AL	5-1995
5,628,005	HURVIG	5-1997
5,335,346	FABBIO	8-1994
5,966,715	SWEEENEY ET AL	10-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
   obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set
   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
   the prior art are such that the subject matter as a whole would have been obvious at the time the
   invention was made to a person having ordinary skill in the art to which said subject matter pertains.
   Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 5, 15-18, 20-30, 33--34, 36-37, 39-50, 55-57, 59-69, 71-72, 74-75, and

77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter et al.

(US Pat. 5,418,945), hereafter "Carter," in view of Hurvig (US Pat. 5,628,005).

3. As to claim 1, Carter discloses a computer implemented method of sharing

information, comprising:

defining a stored data set maintained by a first entity of computer system

(column 3, lines 52-57) to include a locked data set, the stored data set being

stored in memory, and the locked data set being protected from modification

(column 5, lines 18-26, file group is locked when checked out by a client);

transmitting the locked data set to a second entity (column 5, lines 18-26);

and

reversing the locked data set at the second entity, such that the locked data

set becomes an unlocked data set being available for modification (column 5,

lines 18-26, client checks out file group for alteration, i.e. it can alter the file group

that is locked by the server).

But, Carter does not explicitly disclose the stored data set including an

unlocked data set being available for modification, transmitting the unlocked data

set to a second entity, and reversing the unlocked data set at the second entity

such that the unlocked data set becomes a locked data set being protected from

modification.

However, Hurvig discloses a stored data set including an unlocked data set being available for modification (Fig 4, label 208, server stores modifiable database), transmitting the unlocked data set to a second entity (column 9, lines 14-24, file stored in database is transmitted), and reversing the unlocked data set at the second entity such that the unlocked data set becomes a locked data set being protected from modification (column 9, lines 14-24, if a process is given read-only access to a transmitted, this reads on a reversal of the unlocked data, as the file was modifiable at the server, but when stored at the remote process the file can only be read).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Hurvig in order to create a more robust and flexible file permission management system by utilizing the teachings of Hurvig to grant read-only permissions to subsets of the master file group of Carter.

4. As to claim 20, Carter discloses a computer-implemented method of sharing information, comprising:

defining a master data set in a first entity of a computer system, the master data set being stored in memory (column 3, lines 52-57);

assigning permissions, including permission to change a first subset of data within the master data set based on predetermined criteria, the permissions indicating operations that a second entity may perform on the first subset data and applications that the second entity may use for manipulating the first sub set of data (column 4, lines 52-58, permissions are assigned using password lists, one such password list being "a write password list");

transmitting a copy of the master data set with indications of the permissions to the second entity, the transmitted copy of the master data set including unlocked data (column 5, lines 18-26, requesting given indications of permission via the security means as disclosed in column 4, lines 52-58), and the unlocked data in the received copy of the master data set corresponding to locked data in the master data set in the first entity (column 5, lines 18-26, file group is locked when checked out by a client for alteration); and

receiving a manipulated master data set in accordance with the assigned permissions from the second entity, the manipulated master data set including a second subset of data resulting from a first subset of data being manipulated by the second entity using one or more of the operations indicated in the permissions (column 5, lines 38-45, the client updates the master file group after it is finished working with it).

But, Carter does not explicitly disclose the transmitted copy of the master data set including locked data, the locked data in the received copy of the master data set corresponding to unlocked data in the master data set in the first entity.

However, Hurvig discloses a stored data set including an unlocked data set being available for modification (Fig 4, label 208, server stores modifiable database), transmitting the unlocked data set to a second entity (column 9, lines 14-24, file stored in database is transmitted), and reversing the unlocked data set at the second entity such that the unlocked data set becomes a locked data set being protected from modification (column 9, lines 14-24, if a process is given read-only access to a transmitted, this reads on a reversal of the unlocked data, as the file was modifiable at the server, but when stored at the remote process the file can only be read).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Hurvig in order to create a more robust and flexible file permission management system by utilizing the teachings of Hurvig to grant read-only permissions to subsets of the master file group of Carter.

5. As to claim 33, Carter discloses a computer-implemented method of sharing information comprising:

receiving, from a first entity of a computer system, a copy of a master data

set, the master data set including locked data and being stored in memory

(column 5, lines 18-26, file group is locked when checked out for alteration), the

received copy of the master data set including unlocked data, the unlocked data

in the received copy of the master data set corresponding to the locked data in

the master data set (column 5, lines 18-26, the client which has checked out the

file group can alter the locked data);

modifying the copy of the master data set (column 4, lines 29-33 and column

5, lines 38-45); and

transmitting the modified copy of the master data set to the first entity (column

5, lines 38-45).

But, Carter does not explicitly disclose the transmitted copy of the master

data set including locked data, the locked data in the received copy of the master

data set corresponding to unlocked data in the master data set in the first entity.

However, Hurvig discloses a stored data set including an unlocked data set

being available for modification (Fig 4, label 208, server stores modifiable

database), transmitting the unlocked data set to a second entity (column 9, lines

14-24, file stored in database is transmitted), and reversing the unlocked data set

at the second entity such that the unlocked data set becomes a locked data set

being protected from modification (column 9, lines 14-24, if a process is given

read-only access to a transmitted, this reads on a reversal of the unlocked data,
as the file was modifiable at the server, but when stored at the remote process
the file can only be read).

Therefore, it would have been obvious to one of ordinary skill in the art at the
time of the invention to combine the teachings of Carter and Hurvig in order to
create a more robust and flexible file permission management system by utilizing
the teachings of Hurvig to grant read-only permissions to subsets of the master
file group of Carter.

6. As to claim 40, it is rejected by the same rationale set forth in claim 1's rejection.

7. As to claim 59, it is rejected by the same rationale set forth in claim 59's
   rejection.

8. As to claim 71, it is rejected by the same rationale set forth in claim 33's
   rejection.

9. As to claims 5 and 44, Carter and Hurvig disclose defining the locked data set to
   include information to call an application (Carter, column 3, lines 52-57,
   databases store application related data) and the unlocked data set to include

data to be used by an application (Hurvig, column 9, lines 14-24, files are used

by an application).

10. As to claims 15 and 54, Carter discloses assigning data in the stored data set to

the locked data set and the unlocked data set based on a function of the second

entity (column 4, lines 52-58, permission is based on function, either access or

write functionality).

11. As to claims 16 and 55, Carter discloses defining data included in the unlocked

data set for the second entity as locked for other entities (column 5, lines 21-26).

12. As to claims 17 and 56, Carter discloses defining data included in the unlocked

data set for the second entity as locked for all other entities during a period of

time when the second entity has access to the unlocked data set (column 5, lines

21-26).

13. As to claims 18 and 57, Carter discloses:

receiving modified data from the second entity (column 5, lines 38-45); and

integrating the modified data into the stored data set (column 5, lines 38-45).

14. As to claims 21 and 60, Carter discloses receiving a modified copy of the master data set from the second entity and integrating the modified copy of the master data set with the master data set (column 5, lines 38-45).

15. As to claims 22 and 61, Carter discloses receiving the modified copy of the master data set includes receiving additional data (column 4, lines 29-33, the editor on the client can "create new files," which will then be sent back as discloses in column 5, lines 38-45).

16. As to claims 23 and 62, Carter discloses receiving the modified copy of the master data set includes receiving changed data (column 4, lines 29-33 and column 5, lines 38-45).

17. As to claims 24 and 63, Carter discloses receiving changed data includes receiving data that has been changed in response to design considerations (column 4, lines 29-33 and column 5, lines 38-45).

18. As to claims 25 and 64, Carter discloses assigning permissions includes assigning authority to read data (column 4, lines 52-58, access password list reads on "authority to read data").

19. As to claims 26 and 65, Carter discloses assigning permissions includes
    assigning authority to change data that is a subset of the transmitted copy of the
    master data (column 52-58).

20. As to claims 27 and 66, Carter discloses assigning permissions includes
    assigning authority to add data (column 4, lines 29-33 and column 4, lines 52-
    58).

21. As to claims 28 and 67, Carter discloses assigning permissions includes
    assigning authority to delete data (column 4, lines 29-33 and column 4, lines 52-
    58).

22. As to claims 29 and 68, Carter discloses assigning permissions includes
    assigning authority to access predetermined types of data within the subset
    (column 4, lines 52-58).

23. As to claims 30 and 69, Carter discloses assigning permissions includes
    assigning permissions based on at least one of an identity of an entity, a function
    of the entity (column 4, lines 52-58, permission is based on function, either
    access or write functionality) and a user's position within the entity.

24. As to claims 34, 41, and 72, Carter discloses receiving the copy of the master data set in a second entity includes receiving the copy of the master data set in a computer application (column 4, lines 6-11, the client computer system (the second entity) runs a client (an application) that has access to the data).

25. As to claims 36 and 74, Carter discloses performing design processes on the unlocked portion of the data (column 4, lines 29-33).

26. As to claims 37 and 75, Carter discloses receiving permissions to do at least one of read, change, delete and add data to the unlocked data (column 4, lines 52-58).

27. As to claims 39 and 77, Carter discloses receiving the copy of the master data set with permissions based on at least one of an identity of the second entity (column 4, lines 52-58), a function of the second entity and a hierarchy of users within the second entity.

28. As to claim 42, Carter discloses providing an application maintained at a location external to the first entity with access to the stored data set (column 4, lines 6-11, the client system is remote from the servers storing the master databases).

29. As to claim 43, Carter discloses providing a computer aided design system with access to the stored data set (column 4, lines 6-11 and column 4, lines 25-33).

30. As to claim 46, Carter discloses sending the stored data set to the second entity (column 4, lines 25-33).

31. As to claim 47, Hurvig discloses providing the first entity with access to the stored data set, the first entity having permission to view the unlocked data set and to change only the locked data set (column 9, lines 14-24).

32. As to claim 48, Carter discloses providing a computer aided design system with access to the stored data set (column 4, lines 6-11 and column 4, lines 25-33).

33. As to claim 49, Carter discloses providing a second entity with access includes providing an entity that is external to the first entity with access to the stored data set (column 4, lines 4-11).

34. As to claim 50, Carter and Hurvig disclose assigning data in the stored data set to the locked data set and an unlocked data set based on predetermined criteria (Carter, column 4, lines 52-58 and Hurvig, column 9, lines 10-18)).

35. Claims 12-14, 19, 31-32, 38, 51-53, 58, 70, and 76 are rejected under 35

U.S.C. 103(a) as being unpatentable over Carter and Hurvig in view of Fabbio

(US Pat. 5,335,346).

36. As to claims 12 and 51, Carter and Hurvig do not disclose defining the stored

data set to include a restricted data set including data that is not part of the

locked data set or the unlocked data set.

However, Fabbio discloses defining the stored data set that includes locked

and unlocked data sets to further include a restricted data set including data that

is not part of the locked data set or the unlocked data set (column 3, lines 27-31,

readable objects read on "unlocked data," writeable objects read on "locked

data," executable objects read on "restricted data.")

Therefore it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the teachings of Carter and Hurvig with Fabbio

in order to allow the file permission management system greater flexibility in how

it classifies data.

37. As to claims 13-14 and 52-53, Carter and Hurvig do not disclose assigning data

to the locked data set based on closeness criteria includes assigning data to the

locked data set based on at least one of geometric closeness, organizational

closeness.

However, Fabbio discloses assigning data to the locked data set based on
closeness criteria includes assigning data to the locked data set based on at
least one of geometric closeness, organizational closeness (column 3, line 64–
column 4, line 1, it is inherent that the grouping of "group ids" will be according to
organizational closeness in any network, and collective closeness)

Therefore it would have been obvious to one of ordinary skill in the art at the
time of the invention to combine the teachings of Carter and Hurvig with Fabbio
in order to allow the file permission management system greater flexibility in how
it classifies data.

38. As to claims 19 and 58, Carter and Hurvig do not explicitly disclose defining the
stored data set to include a locked data set and an unlocked data set based on
user input.

However, Fabbio discloses defining the stored data set to include a locked
data set and an unlocked data set based on user input (Fig. 9A, labels 901 and
903).

Therefore it would have been obvious to one of ordinary skill in the art at the
time of the invention to combine the teachings of Carter and Hurvig with Fabbio
in order to allow a user to have direct control of data classification.

39. As to claims 31 and 70, Carter and Hurvig do not explicitly assigning permissions
according to a hierarchy within the second entity so that a highest ranking

member of an entity has a greater number of permissions, and a number and extent of permissions decrease as rank decreases.

However, Fabbio discloses assigning permissions according to a hierarchy within the second entity so that a highest ranking member of an entity has a greater number of permissions, and a number and extent of permissions decrease as rank decreases (column 9, lines 22-32, Fabbio system includes administration rights and that, inherently has a hierarchical structure).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Hurvig with Fabbio in order to allow the file permission management system greater flexibility in how it classifies data.

40. As to claims 32, 38 and 76, Carter and Hurvig do not disclose different permissions assigned for different subsets of the unlocked data

However, Fabbio discloses different permissions assigned for different subsets of the unlocked data (column 3, lines 27-31 and column 8, lines 9-19).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Hurvig with Fabbio in order to allow the file permission management system greater flexibility in how it classifies data.

41. Claims 6, 35, 45, 73, 78-87, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Carter in view of Hurvig, as applied to claims 1, 20, 33, 40, 59,

and 71, in further view of Sweeney et al (US Pat. 5,966,715), hereafter

"Sweeney."

42. As to claims 6, 35, 45, and 73, Carter and Hurvig do not disclose defining version

data for an application as the locked data set and defining raw data for the

second entity to look at or use as the unlocked data. Rather, neither teaching

getsinto specifics in regards to what the data sets comprise.

However, Sweeney discloses defining version data for an application as the

locked data set and defining raw data for the second entity to look at or use as

the unlocked data (column 8, line 66-column 9, line 15, the Version Control

Manager has access (read only) to the version information (locked data or

version data) and the rest of an application (unlocked data or raw data) can be

executed or modified).

Therefore it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the teachings of Carter and Hurvig with the

teaching of Sweeney in order to give have the data represent something specific

such as in version information which was disclosed in Sweeney.

43. As to claim 78 and 83, Carter and Hurvig do not disclose providing an application

    in a computer system with access to the stored data set includes providing a

    testing application with access to the stored data set.

    However, Sweeney discloses providing an application in a computer system

    with access to the stored data set includes providing a testing application with

    access to the stored data set (column 12, lines 16-29, Sweeney's system

    includes means to test the databases and programs).

    Therefore it would have been obvious to one of ordinary skill in the art at the

    time of the invention to combine the teachings of Carter and Sweeney in order to

    give Carter's system a specific function, such as the ability to test the

    applications.

44. As to claims 79 and 84, they are rejected by the same rationale set forth in claim

    78's rejection.

45. As to claims 80 and 85, Carter and Hurvig do not disclose receiving additional

    data includes receiving test results. Rather, Carter's additional data is generic

    and it does not specifically disclose the additional data's contents.

    However, Sweeney discloses receiving additional data includes receiving test

    results (column 12, lines 16-29, the application is tested and new data is added

to it and distributed to users). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Hurvig with Sweeney in order to give Carter's system a specific function, such as the ability to test the applications.

46. As to claims 81 and 86, Carter and Hurvig does not disclose receiving changed data includes receiving data that has been changed in response to testing.

However, Sweeney discloses receiving changed data includes receiving data that has been changed in response to testing (column 12, lines 16-29, the application is tested and new data is added to it and distributed to users). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Carter and Hurvig with Sweeney in order to give Carter's system a specific function, such as the ability to test the applications.

47. As to claims 82 and 87, Carter and Hurvig do not disclose modifying the copy of the master data set includes performing testing on the unlocked portion of the data.

However, Sweeney discloses modifying the copy of the master data set includes performing testing on the unlocked portion of the data (column 12, lines

16-29, the application is tested and new data is added to it and distributed to

users).

Therefore it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the teachings of Carter and Hurvig with the

teaching of Sweeney in order to give Carter's system a specific function, such as

the ability to test the applications.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and

addresses replies individually.

(1) The appellant argues that the 35 USC 103(a) rejections of the independent

claims of Carter in view of Hurvig are improper as the references fail to disclose or

suggest all the claimed elements. Specifically, the appellant contends the Carter

reference fails to disclose "transmitting the locked data set ...to a second entity," as

stated by the examiner since the file group in Carter is not "locked" but unlocked and the

operation of reversing the transmitted locked data set at the second entity is therefore

meaningless and undisclosed in the context of Carter.

In reply to argument (1), Carter discloses transmitting a locked data set to a

second entity (column 5, lines 18-26, i.e. the file group is locked (with respect to all

clients but the one that will check it out for alteration) then a copy sent to a client

(second entity)) and reversing the locked data set at the second entity, such that the

locked data set becomes an unlocked data set being available for modification (column

5, lines 18-26, client checks out file group for alteration, i.e. it can alter the file group that

is locked by the server).

That is, the file group is "locked" at the server and relative to all entities aside

from the one client to whom is it unlocked when it is transferred. Obviously, the file

group is "unlocked" in a sense and with respect to the one client, but that is a necessary

requirement of the claim as well, since the "locked" data set is "unlocked" for the second

entity, and essentially all of these data sets exist contemporaneously (i.e., both locked

and unlocked representing the same data) since it involves representative data (e.g.

copies).

If it is the appellant's contention that since the client ("a second entity") of Carter

receives a "copy" of the locked data set, Carter does not read on the claim, or that the

appellant's various data sets do not exist contemporaneously, the examiner disagrees.

Transmissions from computer to computer almost always involve "copies" of the original

and clearly the appellant's invention is no different as evidenced by the citations

provided in the Summary of Claimed subject Matter in the Appeal Brief. Specifically,

see Fig. 3 and page 9, lines 28-page 10, line 2 of the specification; "The second entity

320 receives a copy of the master data…" Moreover, those citations quite clearly

illustrate the appellant's various data sets exist contemporaneously as well (i.e., both

locked and unlocked data sets represent the same data, and the locks are just relative

to the entity at which they reside). Therefore, the claim's broadest reasonable

interpretation is read on by the combination of Carter and Hurvig.

(2) The appellant argues that The appellant argues that the 35 USC 103(a)

rejections of the independent claims that Carter in view of Hurvig are improper as the

combination of references does not yield the method of, for example, claim 1.

Specifically, the appellant alleges the proposed combination can never result in a

scenario where a locked data set and an unlocked data set are maintained at a first

entity as a single data set, but at a second entity that unlocked data set becomes locked

and that locked data set becomes unlocked. Further, the appellant contends the

assertion by the examiner that "simply combining the two data sets into one was a

known technique" is not applicable as the "locked" and "unlocked" states of a data set

are mutually exclusive in the prior art, such as Carter, where a file group is either

available for checking out when unlocked or not available for checking out when it is

locked.

In reply to argument (2), Carter discloses transmitting a locked data set to a

second entity (column 5, lines 18-26) and reversing the locked data set at the second

entity, such that the locked data set becomes an unlocked data set being available for

modification (column 5, lines 18-26, client checks out file group for alteration, i.e. it can

alter the file group that is locked by the server) and Hurvig discloses a stored data set

including an unlocked data set being available for modification (Fig 4, label 208, server

stores modifiable database), transmitting the unlocked data set to a second entity
(column 9, lines 14-24, file stored in database is transmitted), and reversing the
unlocked data set at the second entity such that the unlocked data set becomes a
locked data set being protected from modification (column 9, lines 14-24, if a process is
given read-only access to a transmitted, this reads on a reversal of the unlocked data,
as the file was modifiable at the server, but when stored at the remote process the file
can only be read).

  Therefore, to one of ordinary skill in the art at the time of the invention, the
combination of Carter and Hurvig would disclose a stored data set including both
unlocked and locked data sets, because to one of ordinary skill in the art "a stored data
set" may include differing types of data (e.g. unlocked and locked data given Carter's
and Hurvig's teachings) and simply combining the two data sets into one was a known
technique and would have yielded predictable results. Further, transmitting and then
reversing the locked and unlocked data sets would also have been disclosed by the
combination of Carter and Hurvig by the same logic (i.e. each reference discloses the
respective reversing as indicated above). Additionally, the combination of Carter and
Hurvig would have been obvious as a person of ordinary skill the art has good reason to
pursue the known options within his or her technical grasp (combining Carter's locked
data set with Hurvig's unlocked data set) and if this leads to anticipated success, it is
likely the product not of innovation, but of ordinary skill and common sense.

  That is, it is not beyond the skill of one of ordinary skill in the art to create one
data set out of the disclosed two sets of Carter and Hurvig. Data sets are simply

collections of data; adding more data or files to an already known set (e.g. adding

Hurvig's unlocked data relative to a server to Carter's locked data relative to a server) is

not innovative, but just common sense giving the explicit teachings.

As for the contention that this combination is not applicable since "unlocked" and

"locked" data sets are mutually exclusive; the sets are mutually exclusive in the

appellant's own specification (see Fig. 3) and the examiner fails to see how this

precludes the proposed combination. Perhaps, the appellant is not taking into account

that the data is representative (e.g. copies, further explained above) and the "locks" are

relative in both the prior arts and the appellant's invention. That is, as shown in Fig. 3 of

the specification, the same representative data (e.g. 360b and 350a) is "locked" and

"unlocked," but obviously the locks are only relative to where the copy resides.

For at least the above reasons, claims 1, 5, 6, and 12-87 stand rejected.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thomas J. Dailey

/T. J. D./

Examiner, Art Unit 2452

Conferees:

/Kenny S Lin/

Primary Examiner, Art Unit 2452